THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3337 of 2006

Date: 23-02-2006

Between:

Suryadevara Sarojini …Petitioner

and

Special Officer and Competent Authority,

Urban Land Ceilings, Guntur …Respondent
ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the inaction of the respondent in passing orders on application of the petitioner dated 05-12-2005 as null and void.

The case of the petitioner is that her father filed statement under Section 6(1) of the Urban Land (Ceiling and Regulation) Act, 1976, (for short 'the Act'), declaring the urban property held by him, and after enquiry, the draft statement under Section 8 (1) of the Act and final settlement under Section 9 of the Act were issued. Thereafter, the respondent-Special Officer and Competent Authority, Urban Land Ceilings, Guntur, passed order under Section 8(4) of the Act *vide* proceedings in ULC.No. 631/79-C, dated 27-12-1999 stating that the land in an extent of 12,140.58 square meters in Survey No.70/3 situated in R.Agraharam village has been excluded from the computation of the ceiling limit. Petitioner's grievance is that out of the said land, she intended to sell an extent of 2,000 square yards, and accordingly, she issued a notice under Section 26(1) of the Act to the respondent on 5-12-2005, but, no orders have yet been passed.

Heard learned Counsel for the parties and perused the entire material available on record.

Having regard to the fact that the petitioner's application dated 05-12-2005 is pending before the respondent,
this Court cannot permit her to sell the land, which was declared as retainable land. However, without expressing any opinion on the merits of the case, I feel that it is just and proper to direct the respondent to consider the petitioner's application dated 05-12-2005, and dispose of the same on its own merits in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ petition is disposed of. No costs.

23-02-2006

Note:

Furnish CC

within a week

B/o

LUR